

TITLE XV: LAND USAGE / CHAPTER 154: ZONING CODE / DISTRICT REQUIREMENTS / § 154.052 RA OLD TIPPECANOE CITY RESTORATION AND ARCHITECTURAL DISTRICT.

§ 154.052 RA OLD TIPPECANOE CITY RESTORATION AND ARCHITECTURAL DISTRICT.

(A) *Purpose.* The purpose of this section is to preserve and maintain that unique character of historical Tippecanoe City which serves as a visible reminder of the history and cultural heritage of the city, state, and nation. Furthermore, it is the purpose of this section to stabilize and improve property values within the Old Tippecanoe Restoration District through protection and preservation of the basic characteristics, and solicit architectural details of structures compatible with the district, and to encourage new buildings and developments which will be harmonious with the existing historic architecture.

(B) *Objectives.*

(1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced, whenever practical. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities wherever practical. Repair or replacement of missing architectural features should be based on accurate

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duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means practicable. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken without the express written permission of the Restoration Board.

(8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.

(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

(10) Whenever practical, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(C) *Definitions.* In addition to the definitions in § 154.004, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Where a conflict occurs between a definition in this section and § 154.004, the definition provided in this section shall take precedence.

ALTER/ALTERATION. Any material change, including a change in color, in external architectural features, including landscaping, of any property subject to the provisions of this subchapter, not including demolition, removal, or construction.

APPLICANT. Any person, persons, association, partnership, or corporation who applies to undertake an environmental change of property subject to the provisions of this section.

BOARD. The Restoration and Architectural Board of Review established under the provisions of this chapter.

CHANGE. Any alteration, demolition, removal or construction involving any property subject to the provisions of this section, including signs.

COUNCIL. The City Council.

LANDSCAPING. Includes the visual design and arrangement of parking lots, vacant lots, and other open areas, together with man-made materials or other non-living materials

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or objects, but shall not

include the planting and arrangement of flowers, shrubs, and trees as they relate to a single property.

MEMBER. Any member of the Restoration and Architectural Board of Review.

OWNER. Owner or owners of record.

PRESERVATION. The process of sustaining the form and extent of a structure essentially as it now exists. Preservation aims to halt further deterioration and provide structural stability, but does not contemplate significant rebuilding.

PROPERTY. Any place, building, structure, work of art, or similar object constituting a physical betterment of real property, or any part of such betterment, but not including real property unless expressly identified as such.

RECONSTRUCTION. The process of reproducing by new construction the exact form and detail of a vanished structure, or part of it, as it appeared at a specific period of time.

REHABILITATION. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use. In rehabilitation, those portions of the property which are important in illustrating historic cultural values are preserved and restored.

RESTORATION. The process of accurately recovering the form and details of a property as it appeared at a particular period of time by means of removal of later work and the replacement of missing original work.

RESTORATION DISTRICT or DISTRICT. The area established by City Council for the purpose of maintaining and fostering a distinctive historical, architectural, cultural, or environmental character.

SIGN. Any object or device or part thereof situated outdoors which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images.

(D) *Regulation of property.* No person, partnership, society, association, corporation, or organization shall make any exterior construction, reconstruction, alteration, or demolition on any property within the district unless a certificate of appropriateness has been issued by the Board.

(E) *Establishment of boundaries.*

(1) The district contains all lots which abut Main Street between the canal on
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the east through lots 201 and 407 on the west. In addition to that area, between the canal and Second Street, and all lots north of Dow Street. Between Second and Third Street, the district also contains all lots between Walnut and Main, and between Third Street and Fourth Street, it contains all lots between Dow and Main, and between Fourth Street and the railroad, it includes lot 121.

(2) (a) Specifically the lots in the district are as follows: Inlots 1, 14 through 45, 48 through 51, 78, 79, 115 through 118, 121, 127 through 142, 193 through 196, 201, 362 through 369, 491, 617 through 619, 1038 through 1041, Outlot 44, Outlot 45, Outlot 30 north of the east-west alley.

(b) The southern half of Inlot 4019 (old Inlot numbers 29 and 30), remains within the Old Tippecanoe Restoration and Architectural Zoning District.

(F) *Restoration and Architectural Board of Review; membership.*

(1) To implement the foregoing purposes and the requirements herein set forth, a Restoration and Architectural Board of Review is created. The short title of this Board shall be "The Restoration Board."

(2) The Restoration Board shall consist of members appointed by the City Council, in accordance with the regulations of § 36.040 of the Tipp City Code of Ordinances.

(G) *Officers; meetings and rules of the Restoration Board* . Officers, meetings and rules of the Restoration Board shall be provided in accordance with §§ 36.040 through 36.048 of the Tipp City Code of Ordinances.

(H) *Powers and duties of the Restoration Board.*

(1) It shall be the duty of the Restoration Board to review all plans for the construction, alteration, repair, moving, and demolition of the structures in the district. The Restoration Board shall also act as advisor to the City Planning Board and City Council. The Restoration Board shall:

(a) Adopt guidelines for the review of proposed exterior changes and establishment of standards, using as the basis the Secretary of the Interior's Standards for Rehabilitation. See division (B).

(b) Determine whether any proposed activity and the results thereof will be appropriate to the preservation of said district within the intent of this section, and the guidelines adopted by the Restoration Board.

(c) Adopt by-laws for the internal workings of the Restoration Board.

(d) Provide input to City Council, city staff, and other boards and

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commissions regarding historic and architectural restoration.

(e) Issue Certificates of Appropriateness for approved construction and improvements within the district.

(2) It is the intent of this section that the Restoration Board shall encourage that the making of alterations and repairs to structures in the district be made in the spirit of their architectural style, and that additions to structures be made in styles which should complement the original architectural style.

(a) The Restoration Board may request from the applicants such additional information, sketches, and data as it shall reasonably require.

(b) The Restoration Board shall have the power to call in experts and specialists for testimony and opinion to aid in its deliberations.

(c) The Restoration Board may recommend to the applicant changes in the plans that it considers desirable, and may accept the applicant's voluntary amendment of the application to include or reflect the changes.

(I) *Appropriate architectural and design controls.* The architectural style, applicable generally to the principal and accessory building or structure, or buildings and structures, should adhere as closely as possible to the original architectural styles represented in the district; including, but not necessarily limited to, such characteristics as:

- (1) Building height.
- (2) Building width.
- (3) Roof type.
- (4) Building materials consisting of the type characteristic of the period.
- (5) Ornamentation of features such as windows and door lintels, quoin, soffits, cornices, fences, railing, and the like.
- (6) The building set-back from the street line.
- (7) Paving and walkways.
- (8) The color or colors of the exterior as related to color or colors of surrounding buildings.
- (9) Signage.
- (10) Landscaping.

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(11) The Restoration Board shall provide advice but shall not exercise any controls on any improvements, changes, or alterations which are entirely within the interior of a structure.

(J) *Controls not appropriate for the district.* The following controls are not appropriate for the district.

(1) Interior arrangement of the buildings.

(2) The use to be made of the building which shall not be considered by the Restoration Board in determining whether an application complies with the provisions of this section.

(K) *Procedure for review of plans.*

(1) Those persons, partnerships, societies, associations, or corporation seeking to undertake within the district any construction, enlargement, rebuilding, relocation, remodeling, exterior repainting, or demolition shall make written application to the Community and Economic Development Department, on printed forms provided by the Restoration Board, and the application shall promptly be referred to the Restoration Board.

(2) The Restoration Board Secretary shall notify the applicant of the date and time of the meeting; and at the meeting the Restoration Board shall review the application relative to the criteria of this section and its regulation; shall hear and review the comments, exhibits, or other relevant information presented by any other interested persons attending the meeting in person or by counsel.

(3) The Restoration Board may elect to approve, amend, or reject any application based upon the standards adopted by the Restoration Board. Upon approval of an application, the Board will issue a certificate of appropriateness.

(4) In the event that the Restoration Board does not act upon a complete application within 65 days of the filing date, the application shall be deemed approved.

(5) The certificate of appropriateness must be conspicuously posted on the premises throughout the time of construction.

(6) The certificate of appropriateness shall expire 1 year after issuance unless an extension is granted by the Restoration Board for a period not to exceed 1 additional year.

(L) *Review guidelines.*

(1) *Demolition.*

(a) In cases where a property owner applies for a permit to demolish a building within the district, evidence shall be submitted to the Restoration Board by the

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applicant, that 1 or more of the following conditions prevail:

1. That the building proposed for demolition is not inherently consistent with other structures within the district.
2. That the building contains no features of special architectural and historic significance.
3. That there exists no reasonable economic use for the building as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition, or that deterioration has progressed to the point where it is not economically feasible to restore the building.

(b) If the Restoration Board finds the application for demolition does not meet the above criteria, the application for permit shall be delayed for 6 months while the Restoration Board and property owner work cooperatively to seek restoration alternatives. If after 6 months, no restoration alternative can be reached which is acceptable to the property owner and the Restoration Board, the certificate of appropriateness allowing demolition shall be issued.

(2) *Synthetic sidings.* In cases where a property owner applies for a permit to place synthetic siding over an existing building within the district, evidence shall be submitted to the Restoration Board by the applicant that the following have been met:

(a) Written estimates from reputable contractors, showing that all alternatives have been attempted or studied and the request for siding is the last resort.

(b) The applicant has read publications regarding the problems of synthetic siding. Pertinent publications can be obtained through the Restoration Board.

(3) *General review guidelines.* The Restoration Board shall use the guidelines described in division (H)(1)(a).

(M) *Appeal.* In the event that the Restoration and Architectural Board of Review does not approve the application, the applicant shall have the right to appeal to the Board of Zoning Appeals. Such appeal from a decision of the Restoration Board shall be filed with the Community and Economic Development Department within 10 days of the Restoration Board's decision.

(1974 Code, § 154.052) (Ord. 26-93, passed 8-16-1993; Am. Ord. 03-02, passed 5-4-2002; Am. Ord. 32-05, passed 10-3-2005)